

REMARKS

Consideration of this Preliminary Amendment accompanying the Request for Continued Examination ("RCE") is respectfully requested.

The Examiner has indicated that Claims 30-33 are allowed.

In the Advisory Action dated April 6, 2007, the Examiner has indicated that Claim 34 would be allowed even though it allegedly is technically a new issue, but if resubmitted in an amendment canceling the remaining claims would be allowable. It is respectfully submitted that Claim 34 should be allowed with the filing of this RCE as it is no longer technically a new issue and in view of the Examiner's comments. Furthermore, the Examiner is reminded that Claim 34 is dependant upon already allowed Claim 30.

The Examiner kindly notes that Claims 35-38 as set forth in the "Third Response to Final Office Action," filed February 7, 2007, have overcome the 35 U.S.C. §112, 2nd paragraph and 35 U.S.C. §112, 1st paragraph new matter based upon rejections of record.

The Examiner has also noted that independent Claim 35, as presently amended, is not allowable over *Posa et al.*, previously relied upon to reject the prior pending claims and would be relied upon to reject Claims 35-38. Applicant respectfully submits that Claims 35-38 are neither anticipated under 35 U.S.C. §102(e) or made obvious under 35 U.S.C. §103 by *Posa et al.*, U.S. Patent No. 6,767,628.

The *Posa et al.* patent is directed to a "transparent tape [that] includes a material which enhances the visibility of a newly formed edge. The material can include a fluorescent dye disposed in the tape, or can be a material which reacts with oxygen, moisture or some other component of the ambient atmosphere to render the edge more visibly evident." See, *Abstract*.

As specifically set forth in Claim 35, the color former that is present at the tear site is "exposed to a color developer at said tear site and said color former reacts with color developer to form a demarcation line." On the other hand, *Posa et al.* teaches only that fluorescent materials are color formers that react with oxygen. *Posa's* reference to reaction of the color former with water that is present in the ambient atmosphere also teaches oxidation of the color former since it is apparent from reading *Posa et al.* that the water vapor in the atmosphere lends oxygen to the reaction. *Posa et al.* therefore do not present a color developer that is present in a separate layer in an adhesive, as required by Claim 35.

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Accordingly, independent Claim 35, which requires that the color former reacts with the color developer, distinguishes the present invention from *Posa et al.* Therefore it is respectfully submitted that Claims 35-38 are patentable over *Posa et al.* Furthermore, Claim 36 requires that the color former be encapsulated -- a limitation not found in *Posa et al.* Such action is earnestly solicited.

Respectfully submitted,

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